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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,620

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Vincentius Paulus Buil

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03/16/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BELOUSOV, ANDREY

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

03/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,620	Applicant(s) BUIL ET AL.	
	Examiner ANDREY BELOUSOV	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 11/28/2008. Claims 1-5 and 7 are pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Khosla et al. (6,202,061.)

Claim 1, 3, 5: Khosla discloses a system (Fig. 2) for enabling a user to manipulate a user interface (Fig. 2: 511, 513, 517, 519), the system comprising:

- a. receiving means (Fig. 2: 519, 517) for receiving a selection (Fig. 12E: selection of 803, shoebox containing all pictures) from the user;
- b. obtaining means (Fig. 2: 505, 507, 509, 515) for obtaining at least one previous collection that matches the selection (Fig. 12E: 305);
- c. generating means (Fig. 2: 501) for generating a generated-collection (Fig. 12E: 805) that comprises the at least one item (Fig. 12E: 1253a, e.g. any items from the shoebox as shown in Fig. 12E: 305) wherein each item in the generated-

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- collection matches the selection (pictures from dragged and dropped into the new Sample Album would match the selection – pictures from the shoebox); and
- d. presentation means (Fig. 2: 511, 513) for generating to the user, through the user interface (Fig. 2: 511, 513, 517, 519), an overview comprising the generated-collection and the at least one previous collection that matches the selection (Fig. 12E: 303.)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khosla.

Claim 2, 4, 7: Khosla discloses a system for enabling a user to manipulate a user interface according to claim 1,

- a. wherein a selection-criterion (it is inherent that a user would have certain criteria for choosing a certain collection from the choices in Fig. 12E: 303; e.g. a selection-criterion of all pictures – “shoebox”) defines the selection, the at least one item is labeled by an item-label (captions or titles, 5:54-5:63), the at least one previous collection is labeled by a collection-label (Fig. 12E: 805, “Shoebox”); and

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- b. the generated-collection comprises the at least one item (Fig. 12E: 1253a);
- c. the overview (Fig. 12E: 303) comprises the generated-collection (Fig. 12E: 1242) and the at least one previous collection (Fig. 12E: 803) of which the collection-label (Fig. 12E: 803) matches the selection-criterion (it is inherent that a user would have certain criteria for choosing a certain collection from the choices in Fig. 12E: 303; e.g. a selection-criterion of all pictures – “shoebox.”)

However, Khosla does not explicitly disclose that the at least one item of which the item-label matches the selection-criterion.

The Examiner takes Official Notice that it is old and well known to have albums with names (e.g. “weddings”, “birthdays” etc.) including album pictures having consistently themed picture captions. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the at least one item of which the item-label matches the selection-criterion. One would have been motivated to name a collection to correspond to a selection-criterion for subsequent retrieval without having to look through all collections.

Response to Arguments

- 4. Applicant's arguments with respect to claims 1-5 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB

March 2, 2009

/Steven P Sax/
Primary Examiner, Art Unit 2174